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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,500	02/04/2004	Hsien-Tsung Chuang	Mr2723-352	1758
4586	7590	10/04/2005		
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/770,500	<b>Applicant(s)</b> CHUANG, HSIEN-TSUNG	
	<b>Examiner</b> Gunyoung T. Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/04/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the indications fail to clearly/properly designate corresponding parts in Fig. 1, 2, 3, 13, 25 and 27. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification, exclusive of claims, is more than 20 pages. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
  
3. The specification **including the claims** is replete with errors: in Abstract, line 14, "electricall device" is misspelled; in Specification, page 5, lines 10-11, "LEDS annected with" is misspelled; in Claim 3, line 3, "by silver solering" is misspelled; and so on. The specification including the claims is required to be revised to conform to idiomatic English and United States patent practice. 35 U.S.C. 112, first paragraph, requires the specification including the claims to be written in "full, clear, concise, and exact terms." The specification including the claims should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

### ***Claim Objections***

4. Claim 1 is objected to because the claim does not contain a transitional phrase (e.g. "comprising") which defines the scope of the claim with respect to what unrecited additional components or steps, if any are excluded from the scope of the claim. See MPEP § 2111.03.

5. Claims 1, 5 and 6 are objected to because of the following informalities: the term "submain" does not conform to idiomatic English and United States patent practice. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-20 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language: the pronouns "it" or "this" are used in claims 1, 3, 4, 9, 11, 12, 15, 16 and 18. The structure which goes to make up the device must be clearly and positively specified: the words "section" in the phrase "being assembled section by section" of claim 1, line 15 fail to clearly and positively specify the parts in the device. The claim(s) must be in **one sentence form only**. Note the format of the claims in the patent(s) cited.

8. Further, claim 1 omits essential structural cooperative relationships of elements (between "flowers, leaf blades, fruits, birds, butterflies, coniferous Christmas trees"), such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

9. Claims 2-20 are necessarily included because of their dependency on claim 1.

***Claim Rejections - 35 USC § 103***

10. The claims must be given their broadest reasonable interpretation (MPEP § 2111).

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 5,063,485) in view of Tai (US 6,364,501).

13. In regards to claim 1, as best understood by Examiner, Harris discloses illuminated artificial flowers having:

- A plurality of low voltage light sources (Fig. 3, 23);
- A metallic conductor (Fig. 1, 45);
- A heat resisting insulation (Fig. 1, 47);
- Flowers and leaf blades (Fig. 1, 15);
- A pot (Fig. 1, 11);
- A stem (Fig. 1, 19) constructed with a bent copper (wire) tube (27);
- A root (Fig. 1, 21) of a plant fixed into the pot (11) with a binder (31);
- A low voltage rectifier (Fig. 1, 41) via a power supply switch (43) (col. 2, lines 32-35).

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Harries does not disclose a color variable LED sealed in a transparent structure.

However, Harries discloses that the light source is a low voltage (low power consuming) bulb which may be located within the structure in any style desired (col. 2, lines 21-22 & 53-55). Tai discloses an ornamental decorative structure having a LED (Fig. 3, 22) sealed in a transparent structure (1). It is well known in the art that the LED as shown in Tai can be replaced with a color variable LED without any additional modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the ornamental decorative structure with LED as shown in Tai for the illuminated artificial flowers of Harris to improve the aesthetic quality of the illuminated artificial flowers while enlarging the life of the light source and lowering the power cost as well.

14. Claims 2-7, 12-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 5,063,485) and Tai (US 6,364,501) as applied to claim 1 above, and further in view of Root (US 6,174,072).

15. In regards to claims 2-7, 12-14 and 20, as best understood by Examiner, Harris and Tai disclose the invention substantially as claimed except for the color variable LEDs and their control circuits implanted directly on a printed circuit board (PCB). Tai discloses a LED (Fig. 1, 22) and a control circuit board (23). However, the control circuit board (Fig. 1, 23) is distanced from the light source (22) and enclosed in a protective outer housing (24). Root discloses an illuminated ornamental apparatus having a LED (Fig. 10, 102) and a circuit implanted directly to a base (130) (col. 3, lines 29-31). It would have been obvious to one of ordinary skill in the art at the time of

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the invention to use the LED implanted directly on a circuit board as shown in Root for the illuminated artificial flowers of Harris modified by Tai to provide enhanced aesthetic quality of the illuminated artificial flowers by controlling the color variable LEDs individually for a more dynamic illumination.

16. Claims 8-11 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 5,063,485), Tai (US 6,364,501) and Root (US 6,174,072) as applied to claims 1 and 12 above, and further in view of Yang (US 6,918,692).

17. In regards to claims 8-11 and 15-19, as best understood by Examiner, Harris, Tai and Root disclose the invention substantially as claimed except for a structure near the head of the LEDs with an optical fiber. Yang discloses a decorative optical fiber artificial plant having a structure (Fig. 1, 23) near the head of the LEDs (31) with a bundle of optical fibers (21). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the structure with a bundle of optical fibers lighted by LEDs as shown in Yang for the illuminated artificial flowers of Harris modified by Tai and Root to provide a decorative artificial plant with optical fiber which is very safe and can provide an aesthetic illumination with a simple light generator at a low cost.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurita et al. (US 4,399,493), Yeh (US 6,625,506), Horng (US



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2004/0228121) and Deng (US 2004/0085758) show decorative artificial plants (flowers) with a light source(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
9/30/2005



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